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EXAMINER

NANO, SARGON N

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

JAN 17 2006

Technology Center 2100

Application Number: 10/004,192
Filing Date: October 31, 2001
Appellant(s): TARQUINI, RICHARD P.

James Baudino (Registration No. 43,486)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Oct. 28, 2005 appealing from the Office action mailed July 13, 2005.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Humes, U.S. Patent No. 5,996,011

Meyerzon et al., U.S. Patent No. 6,631,369

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1,10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Humes U.S. Patent No.5, 996,011.

Humes teaches a system and method for restricting access data to data received over a network by filtering certain data received (see abstract).

As to claim1, Humes teaches a method for Uniform Resource Locator (URL) filtering, comprising: receiving an event notification upon the occurrence of an event associated with a received URL (see col. 2 lines 39 – 47, Humes discloses receiving of data for filtering from web pages);

searching, in response to said event notification, a lexical search tree data structure storing a plurality of URLs for said received URL(see col. 3 lines 10 – 13, Humes discloses comparing the requested URL to an “allow list”); and processing said received URL in response to said received URL not matching any of said plurality of URLs stored in said lexical search tree data structure(see col. 3 lines 15 – 22 Humes discloses if the URL is not found then the requested URL is compared to “deny list”).

As to claim 10, Humes teaches a system for Uniform Resource Locator (URL) filtering, comprising: a web server operable to receive a URL request from a client (see col.2 lines 48 – 55); and a filter operable, upon receiving an event notification relating to said URL request from said web server, to search a lexical search tree data structure storing a plurality of URLs for said received URL, said filter further operable to process said received URL in response to said received URL not matching any of said plurality of URLs (see col.3 lines 50 - 67) .

As to claim 11, Humes teaches the system of claim 10, wherein said event notification relates to an event selected from the group consisting of a URL map event and a receive raw data event (see col. 11, lines 17 – 29).

2. Claims 2 – 9 and 12 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humes in view of Meyerzon, U.S. Patent No. 6,631,369 (referred to hereinafter as Meyerzon).

As to claim 2, Humes teaches determining a branch associated with a root node of said lexical search tree data structure corresponding to said branch along with said root node representing at least one URL of said plurality of URLs, said branch having one or more leaf nodes linked hierarchically to one another, each leaf node representing an element of said at least one URL; and traversing only said branch to find a match between said at least one URL and said received URL (see col. 3, lines 50 – 67)

Humes does not teach hash value, however Meyerzon teaches a set of one or more hash values that corresponds to the root certificate being updated (see col. 7 lines 45 – 47). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include hash values that correspond to root certificate to insure the security of transmitted data.

As to claim 3, Meyerzon teaches the method of claim 2, wherein said determining a hash value comprises:

determining a first element of said received URL (see col. 7 lines 45 - 47);

and determining a hash value for said first element (see col. 7 lines 45 – 47 and fig. 3, Meyerzon discloses a trust list indicating one or more hash values).

As to claim 4, Humes does not explicitly teach the limitation hash value being ASCII code. Official Notice is taken as evident by Microsoft Computer Dictionary 5th Edition that it would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Humes by using ASCII code because doing so would allow the data transmission among disparate hardware and software to be standardized.

As to claim 5, Meyerzon teaches the method of claim 2, wherein said traversing only said branch comprises comparing successive elements of said received URL with successive elements of said at least one URL stored in successive leaf nodes of said one or more leaf nodes so long as said successive elements of said received URL match said successive elements of said at least one URL (see col. 3 lines 27 – 42).

As to claim 6, Meyerzon teaches the method of claim 2, wherein said traversing only said branch further comprises:

determining a twig associated with said branch at a point of divergence between said at least one URL and said received URL, said twig representing a terminating substring of a second URL of said plurality of URLs (see col. 9 lines 1 - 9) ; and

traversing said twig to find a match between a terminating substring of said received URL and said terminating substring represented by said twig (see col. 9, lines 45- 51).

As to 7, Meyerzon teaches the method of claim 6, wherein said traversing said twig comprises comparing successive elements of said terminating substring of said received URL with successive elements of said terminating substring of said second

URL represented by said twig so long as said successive elements match (see col. 9, lines 45- 51).

As to claim 8, Meyerzon teaches the method of claim 5, wherein said traversing only said branch further comprises: setting a current node pointer to point to a leaf node of said one or more leaf nodes; setting a target signature pointer to point to an element of said received URL (see col.9, lines 54- 60);

in response to a value of said leaf node pointed to by said current node pointer being equal to a wild card character and a value of the element pointed to by said target signature pointer being equal to a value of the next leaf node following the leaf node pointed to by said current node pointer, updating said current node pointer to point to a leaf node following said next leaf node(see col. 3. line 42 – 48).

As to claim 9, Meyerzon teaches the method of claim 1, wherein said receiving said event notification comprises receiving said event notification upon the occurrence of an event selected from the group consisting of a URL map event and a receive raw data event (see col. 11, lines 17 – 29).

As to claim 12, Humes teaches determining a branch associated with a root node of said lexical search tree data structure corresponding to said branch along with said root node representing at least one URL of said plurality of URLs, said branch having one or more leaf nodes linked hierarchically to one another, each leaf node representing an element of said at least one URL; and traversing only said branch to find a match between said at least one URL and said received URL (see col. 3, lines 50 – 67)

Humes does not teach hash value, however Meyerzon teaches a set of one or more hash values that corresponds to the root certificate being updated. It would have been obvious to one of the ordinary skill in the art at the time of the invention to include hash values that correspond to root certificate to insure the security of transmitted data.

As to claim 13, Meyerzon teaches the system of claim 12, wherein said means for determining a hash value comprises:

means for determining a first element of said received URL (see col. 7 lines 45 - 47); and

means for determining a hash value for said first element (see col. 7 lines 45 - 47 and fig. 3).

As to claim 14, Meyerzon teaches the system of claim 13, wherein said means for traversing only said branch comprises means for comparing successive elements of said received URL with successive elements of said at least one URL stored in successive leaf nodes of said one or more leaf nodes so long as said successive elements of said received URL match said successive elements of said at least one URL (see col. 3 lines 27 - 42).

As to claim 15, Meyerzon teaches the system of claim 14, wherein said means for traversing only said branch further comprises: means for determining a twig associated with branch at a point of divergence between said at least one URL and said received URL, said twig representing a terminating substring of a second URL of said plurality of URLs (see col. 9 lines 1 - 9); and means for traversing said twig to find a

match between a terminating substring of said received URL and said terminating substring represented by said twig (see col. 9, lines 45- 51).

As to claim 16, the system of claim 15, wherein said means for traversing said twig comprises means for comparing successive elements of said terminating substring of said received URL with successive elements of said terminating substring of said second URL represented by said twig so long as said successive elements match (see col. 9, lines 45- 51).

As to claim 17, Humes teaches, a method for Uniform Resource Locator (URL) filtering, comprising:

receiving an event notification from a web server upon the occurrence of a URL map event (see col. 2, lines 39 –47);

traversing only said branch to find a match between said received URL and said at least one URL(see col. 3 line 50 – 67); and

processing said received URL in response to said received URL not matching said at least one URL(see col. 3 , lines 15 – 22).

Humes teaches determining, in response to receiving said event notification, a URL received by said web server from a client(see col. 3 lines 50 - 67) ;

Humes does not explicitly teach “ determining a branch associated with a root node of a lexical search tree data structure corresponding to lexical search tree data structure storing a plurality of URLs, said branch along with said root node representing at least one URL of said plurality of URLs, said branch having one or more leaf nodes linked hierarchically to one another, each leaf node representing an element of said at

least one URL". However Meyerzon teaches a branch, a root node and a leaf, (see Meyerzon figure 3 table 400-2) where a list of URLs is shown, the first URL is a root URL. The following 3 URLs are branches or leaves of the root URL. Moreover, the table also shows a hierarchy of URLs starting with the root URL ex: http://site followed by branches or leaves URL such as http://site/folder/doc1. It would have been obvious to one of the ordinary skill in the art at the time of the invention to utilize the to utilize lexical search technique utilizing "a branch", " root node", and " leaf node" to make the search capabilities more efficient . a well data structure such as a tree containing a branch , root node, leaf node would optimally organize the data in such a way to make the searching efficient and quick. Therefore critical resources such as processing time/power are better utilized.

Humes does not teach hash value, however Meyerzon teaches a set of one or more hash values that corresponds to the root certificate being updated (see col. 7 lines 45 – 47). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include hash values that correspond to root certificate to insure the security of transmitted data.

As to claim 18, Meyerzon teaches the system of claim 17, said receiving said event notification comprising receiving a notification parameter from said web server, said notification parameter pointing to a data structure storing said received URL (see col.4 lines 55- 67).

As to claim 19, Meyerzon teaches the system of claim 17, further comprising notifying said web server of a match between said received URL and said at least one URL (see col. 3 lines 27 – 42).

As to claim 20, Meyerzon teaches the system of claim 17, further comprising: registering with a web server to receive notification upon the occurrence of said URL map event (see col. 12 lines 17 – 29).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellants arguments filed on Oct. 28, 2005, the appellant argues that Humes does not teach a “lexical search tree data structure’ as recited in claims 1 and 10 (see brief page 6 line 8 – 10 and page 7 line 6 – 8, argument A).

In reply to A). Humes teaches a system and method for filtering data by a computer system. Humes teaches a method for filtering objectionable text data from World Wide web pages, which are received by a computer system connected to the Internet. Humes teaches filtering of a requested page URL where the requested page URL is compared to a list (tree) of URLs. Moreover, Humes teaches a filtering method which involves a dictionary (lexicon) where objectionable text is compared to check if it is objectionable (see Humes col. 3 line 10 – col. 4 line 4). Therefore Humes teaches “lexical search tree data structure”.

The appellant argues that Humes does not “allow easy identification of the root node” as mentioned in the appellant specification on page 13 lines 16 – 21 (see Brief page 6 lines 25-32, argument B).

In reply to B, this limitation is not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

The appellant argues that Humes does not anticipate appellants invention as recited in claims 1 and 10 and then dependent claims 2-9 and 11-16 are also patentable (see Brief page 7 lines 8-15, argument C).

In reply to C) Humes does anticipate claims 1 and 10 as outlined above and therefore dependent claim 11 is anticipated by Humes and dependent claims 2-9 and 12-16 are obvious with respect to Humes in view of Meyerzon.

The appellant argues the neither Humes nor Meyerzon teaches “ a branch”, “a root node”, “a leaf node” (see Brief page 8 lines 12 – 14 and lines 20 – 21, argument D).

In reply to D) Meyerzon teaches a table of URL (see Meyerzon fig.3) where the first URL in the table is a root URL, the following 3 URL shown in the table are branches or leaves of the root URL. Moreover the table also shows hierarchy of URLs starting with the “root node” or root URL for example: “http:// site” followed by “branch node” or branch URL such as http://site/folder/ and “leaf nodes” such as http:// site/folder/doc1

and [http:// site/folder/doc2](http://site/folder/doc2). Therefore Meyerzon teaches a branch node, a root node, and a leaf node.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

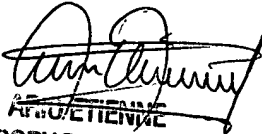
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January 6, 2006

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